

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

IN THE UNITED STATES DISTRICT COURT

NOV 23 2022

FOR THE DISTRICT OF NEW MEXICO

**MITCHELL R. ELFERS
CLERK**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**ORLANDO DIAZ, a.k.a. "Junior",
SHAMON PACHECO, Jr., a.k.a.
"Stunner,"
ERMINIO GUILLERMO GONZALEZ,
a.k.a. "Scrappy", and
RAY LEE BROWN,**

Defendants.

CRIMINAL NO. 22-CR-896-WJ

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(A): Possession with Intent to
Distribute 400 Grams and More of
Fentanyl (N-phenyl-N-[1-
(2-phenylethyl)-4-piperidinyl]
propanamide); 18 U.S.C. § 2: Aiding and
Abetting;

Count 3: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(B): Possession with Intent to
Distribute 50 Grams and More of a
Mixture and Substance Containing
Methamphetamine;

Count 4: 18 U.S.C. §§ 922(g)(1), (g)(9)
and 924: Prohibited Person in Possession
of a Firearm and Ammunition;

Counts 5-6: 18 U.S.C. §§ 922(g)(1) and
924: Felon in Possession of a Firearm
and Ammunition;

Count 7: 21 U.S.C. §§ 844: Possession of
Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-
4-piperidinyl] propanamide);

Count 8: 18 U.S.C. § 924(c)(1)(A)(i):
Possessing a Firearm in Furtherance of a
Drug Trafficking Crime.

SECOND SUPERSEDING INDICTMENT

The Grand Jury charges:

Count 1

From on or about January 2022, to on or about April 2022, in Bernalillo County, in the District of New Mexico, and elsewhere, the defendants, **ORLANDO DIAZ, SHAMON PACHECO Jr., ERMINIO GUILLERMO GONZALEZ, and RAY LEE BROWN** unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other and other persons whose names are known and unknown to the Grand Jury to commit an offense defined in to 21 U.S.C. § 841(a)(1), specifically, distribution of a controlled substance.

Type and Quantity of Controlled Substances Involved in the Conspiracy

With respect to **ORLANDO DIAZ, SHAMON PACHECO Jr., ERMINIO GUILLERMO GONZALEZ, and RAY LEE BROWN**, the amount of fentanyl involved in the conspiracy attributable to each of them as a result of their own conduct, and the conduct of other conspirators reasonably foreseeable to them, is 400 grams and more of fentanyl, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(A).

In violation of 21 U.S.C. § 846.

Count 2

On or about April 13, 2022, in Bernalillo County, in the District of New Mexico, the defendants, **ORLANDO DIAZ and SHAMON PACHECO Jr.**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 400 grams and more of a mixture and substance containing a detectable amount of fentanyl (n-phenyl-n-[1-(2-phenylethyl)-4-piperidiny] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2.

Count 3

On or about April 13, 2022, in Bernalillo County, in the District of New Mexico, the defendant, **SHAMON PACHECO Jr.**, unlawfully, knowingly and intentionally possessed with intent to distribute a controlled substance, and the offense involved 50 grams and more of a mixture and substance containing a detectable amount of methamphetamine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B).

Count 4

On or about April 13, 2022, in Bernalillo County, in the District of New Mexico, the defendant, **ORLANDO DIAZ**, knowing that he had been convicted of at least one misdemeanor crime of domestic violence, and knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) Transport or Sale of Marijuana,
- (2) Resisting Arrest with a Prior Felony,
- (3) Possession with Intent to Distribute a Dangerous Drug, and
- (4) Assault with a Dangerous Instrument,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1), (g)(9), and 924.

Count 5

On or about April 13, 2022, in Bernalillo County, in the District of New Mexico, the defendant, **SHAMON PACHECO, Jr.**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) Trafficking in a Controlled Substance, and
- (2) Trafficking in Marijuana,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 6

On or about May 13, 2022, in Bernalillo County, in the District of New Mexico, the defendant, **ERMINIO GUILLERMO GONZALEZ**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) Possession of a Controlled Substance (New Mexico),
- (2) Robbery (twice),
- (3) Burglary (Commercial/Automobile),
- (4) Trafficking in a Controlled Substance, and
- (5) Homicide by Vehicle,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 7

On or about May 13, 2022, in Bernalillo County, in the District of New Mexico, the defendant, **ERMINIO GUILLERMO GONZALEZ**, unlawfully, knowingly, and intentionally possessed a controlled substance, and the offense involved a mixture and substance containing a detectable amount of fentanyl (n-phenyl-n-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. § 844.

Count 8

On or about April 13, 2022, in Bernalillo County, in the District of New Mexico, the defendants, **ORLANDO DIAZ** and **SHAMON PACHECO Jr.**, knowingly possessed a firearm in furtherance of a drug trafficking crime for which the defendant may be prosecuted in a court

of the United States, specifically, possession with intent to distribute fentanyl as charged in Count 2 of this indictment.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

FORFEITURE ALLEGATIONS

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) or 924(c), the defendants, **ORLANDO DIAZ, SHAMON PACHECO Jr., ERMINIO GUILLERMO GONZALEZ**, and **RAY LEE BROWN** shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

1. A Smith & Wesson M&P .40 Shield, serial number HAS7496;
2. A Ruger LCP .380 Auto, serial number 379004034;
3. A Ruger LCP .380 Auto, serial number 372454379;
4. A Ruger 57 5.7x28mm, serial number 642-18959;
5. A Glock 23c (in .40 caliber), serial number BKK669, and all attachments;
6. A Century Arms RAS47 pistol, serial number RAS47111652;
7. A 40mm gas grenade launcher, serial number D37310;
8. One loaded 9mm semi-auto pistol with an obliterated serial number;
9. A Mossberg 590M 12 gauge shotgun, serial number MF003285;
10. A Taurus Judge 410/.45 caliber revolver, serial number AN462230;
11. All ammunition and magazines recovered from 240 Wheeler Avenue Southeast, Albuquerque, New Mexico on April 13, 2022;
12. A Smith & Wesson M&P Shield .380 pistol, serial number REA4684;
13. Forty-two (42) cartridges of .380 pistol ammunition and one 9mm pistol cartridge recovered from 1521 Amado St NW, Albuquerque, NM on May 13, 2022.

Upon conviction of any offense in violation of 21 U.S.C. §§ 841 or 846, the defendants, **ORLANDO DIAZ, SHAMON PACHECO Jr., ERMINIO GUILLERMO GONZALEZ**, and **RAY LEE BOWN** shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used, or intended to be used, in any manner or part, to

commit, or to facilitate the commission of, the offense(s). The property to be forfeited includes, but is not limited to:

1. A Smith & Wesson M&P .40 Shield, serial number HAS7496;
2. A Ruger LCP .380 Auto, serial number 379004034;
3. A Ruger LCP .380 Auto, serial number 372454379;
4. A Ruger 57 5.7x28mm, serial number 642-18959;
5. A Glock 23c (in .40 caliber), serial number BKK669, and all attachments;
6. A Century Arms RAS47 pistol, serial number RAS47111652;
7. A 40mm gas grenade launcher, serial number D37310;
8. One loaded 9mm semi-auto pistol with an obliterated serial number;
9. A Mossberg 590M 12 gauge shotgun, serial number MF003285;
10. A Taurus Judge 410/.45 caliber revolver, serial number AN462230;
11. All ammunition and magazines recovered from 240 Wheeler Avenue Southeast, Albuquerque, New Mexico on April 13, 2022;
12. A Smith & Wesson M&P Shield .380 pistol, serial number REA4684;
13. Forty-two (42) cartridges of .380 pistol ammunition and one 9mm pistol cartridge recovered from 1521 Amado St NW, Albuquerque, NM on May 13, 2022;
14. A Mercedes vehicle, license plate LGA9FG, VIN WDDNG71X87A070412;
15. A white Cadillac sedan, VIN 2G61P5S3XD9218420; and
16. A Jayco Jay Flight travel trailer, VIN 1UJB0AG4H77C0336.

A TRUE BILL:

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FOREPERSON OF THE GRAND JURY

PJM

Assistant United States Attorney

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